

MEMORANDUM

DATE: June 10, 2004

TO: Planning and Zoning Board

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SUBJECT: PZ Case No. 8-T-04

Applicant: City of Fort Lauderdale Construction Services/Planning and Zoning Division

Request: Discussion on Phase 1 of Barrier Island ULDR Amendments: Yard modification thresholds and criteria (**Section 47-23.11**) and Community Compatibility Criteria (**Section 47-25.3.A.3.e.iv.**)

Background:

Over the last few years, since 2000, staff met with representatives of the Barrier Island Neighborhood Associations to gain a better understanding of their concerns related to recent development patterns in the multi-family zoning districts resulting from yard modification (RMM-25, RMH-25 and RMH-60 –See Map, **EXHIBIT 1**, for location of these zoning districts on the Barrier Island) that are beginning to alter the character of these established neighborhoods.

The perception of some residents is that massive buildings have resulted from yard modifications as well as the application of certain neighborhood compatibility and community compatibility criteria to the Barrier Island that are inappropriate for multi-family residential areas. A detailed explanation is provided below.

1. Yard Modification Criteria

The criteria for granting Yard Modifications (ULDR Section 47-23.11) has evolved through the years based upon the prevailing vision of the time.

Past - In April 1973, an ordinance (C-73-13) was adopted that created new required yards for the multi-family districts: ½ the height of the building when this is greater than the minimum yards of the zoning district. It also established a yard modification process with the specific purpose of allowing either an adjustment to the location of structures on a development site to preserve a public open space, land or water, or an adjustment of yards between structures on a development site if a superior site plan was provided as relating to shadow impacts and as long as light, air, and views were maintained.

NOTE: At the time of its adoption, parking structures and other encroachments specifically authorized in the Code were not subject to the required yards. Also, the required yards between structures on a development site was 25ft or the height of the tallest building whichever was greater, except for permitted accessory buildings.

Current – In 1994, an amendment was made to the yard modification criteria (ordinance C-94-48) which eliminated the building separation yard reduction criteria. It

also provided new criteria that allowed buildings to expand into the yard, effectively reducing the yards down to the minimum yards of the zoning district (25-ft.- front; 10-ft.-side and 20-ft.-rear, generally), provided that certain architectural features and criteria are met, such as balconies, banding or other similar design elements.

NOTE: Since the adoption of this ordinance, developers have used this criteria almost exclusively to reduce yards down to the minimums in order to maximize building footprints. In 1997, the building separation requirement was changed to 10ft or 20% of the height of the tallest structure, whichever is greater (Ordinance C-97-19).

Impact - Currently, nothing limits a developer from requesting the maximum amount of yard reduction, even reducing a yard from the maximum of $\frac{1}{2}$ the height of the building down to the minimum yard dimensions of the district. A property owner may petition the Board to adjust their yards, if the project meets three of the five criteria in the ordinance. Consequently, most developers choose to provide certain architectural features in exchange for allowing an adjustment of yards on the site. The purpose of providing this flexibility was to stimulate redevelopment in an area that had seen little growth in the previous thirty years.

Recommendation for change- From community stakeholder meetings and testimony given at public meetings, a new vision has emerged. The general consensus among community members are the following proposed changes:

- The criteria that allows for an adjustment to the location of principal buildings on a development site (but not reducing the overall amount of yards on the property) should be expanded to include protection for historically designated property.
- On the Barrier Island, the criteria that allows for an adjustment to the location of principal buildings on a development site (but not reducing the overall amount of yards on the property) should be modified to protect neighboring properties with specific height limitations on the portion of the building encroaching into the required yards (**EXHIBIT 2, pages 1-2**).
- On the Barrier Island, the criteria that allows a reduction of yards and allows an expansion of the principal structure into the required yard should be permitted only in very limited circumstances. This **option** would grant developers an incentive to implement City goals and provide benefits to the community, such as (1) workforce housing, (2) a variety of housing types, and (3) quality development that is consistent with good urban design & smart growth principles. Any encroachment into the overall open space, would not only have to meet these thresholds, but would be limited in height & other dimensional regulations, such as a maximum height of 35ft, etc. (See **EXHIBIT 2, page 3**).
- There have been instances where developers have obtained a lease for properties that do not abut the subject property and thus were able to include that site in shadow calculations, effectively distributing the shadow impact over a larger area. For purposes of calculating shadow impact of properties requesting a yard modification, only allow lots or parcels that abut the subject property to be included as part of the "development site".
- To better protect sea life and enhance sunlight accessibility for swimmers, require that no more than 25% of the submerged lands perpendicular to

the development site up to 100ft beyond the mean high tide line be in shadow using the same method of measuring shadow as specified in the ULDR today.

2. Community Compatibility Criteria

The Community Compatibility Criteria (ULDR Section 47-25.3.A.3.e.iv) do not accurately reflect the character of the multi-family residential districts on the Barrier Island as they were specifically created for the Central Beach Area, an area intended for more intense Regional Activity Center & CRA development patterns.

Past – In July 1988, the City adopted the Fort Lauderdale Beach Revitalization Design Guidelines for the Central Beach Area. Chapter 4 of this document provided Private Sector Design Guidelines for the Central Beach Revitalization Area. The purpose of the design guidelines is to define objectives for private sector development which either directly abuts or is readily visible from public corridors in the area and carefully plan the relationship between private and public sector development in order to protect public investment, improve the visual and functional quality of this transition, and provide a method to stimulate revitalization of the Central Beach Area.

Current - Through the adoption of Ordinance C-00-26, the City codified the Design Guidelines for the Central Beach as Community Compatibility Criteria and revised them to apply to the multi-family residential districts east of the Intracoastal Waterway. Ordinance C-01-10 once again expanded the application to also apply to nonresidential development on the Barrier Island.

Impact - The application of the same criteria to both residential (North & south Beach areas) and (Central Beach Area) needs to be clarified. Many of the criterion focus on creating active pedestrian, retail uses and public plazas along the street front; a stark contrast to the perceived vision of the multi-family residential districts that calls for substantial building separations with large open yards and transitional heights and step backs into adjacent lower density residential districts.

Recommendation for change:- Provide separate NC criteria for CBA & other Barrier Island multi-family & nonresidential zoned areas, that implement the updated vision/goals (see **EXHIBIT 3** for a list of the current criteria & staff's recommendation as to which would best apply to each area).

3. Neighborhood Compatibility Criteria

Additional compatibility issues for the Barrier Island remain and need to be addressed, and will be presented to the P&Z Board in future phases of this task (see below for Phasing Plan). The initial concepts that have been developed include:

- Reformatting the Neighborhood Compatibility section of the ULDR (Section 47-25.3) to have a separate set of criteria for each special area of the City (e.g. Downtown, CBA, Barrier Island non-residential, Barrier Island multi-family, etc) as well as develop/revise criteria to be applied citywide;
- Adopting a definition of "neighborhood".
- Modifying the Neighborhood Compatibility Criteria based upon its revised format to provide greater protection of surrounding neighborhoods; and possibly providing 2 sets of compatibility requirements (adjacency review & 'neighborhood' review).

Phasing Plan:

We believe that the most efficient approach is to approach modifications to the land development regulations in phases: Phase 1 would include short term more immediate remedies that relate to yard modifications and community compatibility criteria on the Barrier Island, while Phase 2 should include long term solutions to amend the Neighborhood Compatibility Criteria citywide. Issues pertaining to Phase 2 will be further analyzed and staff will present their findings and recommendations to the Board at a future date.

Report on Beach Redevelopment Advisory Board (BRAB) Recommendation:

On April 19, 2004, staff gave a report to the BRAB on the status of studies that had been undertaken relative to land development regulations affecting the Barrier Island. An excerpt of the minutes of that meeting are provided as **EXHIBIT 4**. These in-progress studies include review of current neighborhood compatibility criteria, yard modification processes and criteria, design guidelines and other related regulations (e.g., definitions). The studies encompass all of the Barrier Island within the City limits. BRAB's recommendation was that staff postpone any recommended ULDR amendments affecting the Central Beach Area (CBA) regulations until the time that a stakeholders meeting can be convened in the early fall. Planning & Zoning Staff, in cooperation with CED Department staff (Beach Redevelopment Manager, etc.), will meet with those CBA stakeholders who originally participated in the ULI Workshop, to assure that there will be consensus on any desirable ULDR amendments. For this reason, we are bringing forward only the proposed revisions that will affect North and South Beach (Phase 1), but excluding the CBA for now (Phase II). We feel this approach is appropriate, since these two areas of the beach have very distinct goals and purposes.

Summary of Changes Necessary to Reflect a New Vision:

Staff has developed and analyzed a variety of ideas and concepts to address the aforementioned issues, and is proposing to resolve them by processing certain ULDR amendments. Currently, we propose to amend only those ULDR provisions that regulate multi-family and non-residential development on the Barrier Island, exclusive of the CBA. A summary of the proposed Phase 1 study recommendations follow (see **EXHIBIT 5** for Draft Language):

1. Clarify that the criteria for modification of required yards applies to the principal building(s) on the development site, rather than "structures" by updating the Table of Dimensional Regulations in the Multi-family residential zoning districts. All permitted accessory uses and structures are subject to the requirements of Section 47-19 *Accessory Uses, Buildings and Structures*, and may be located in the required yard except when other more restrictive regulations apply (e.g. Special Waterway Setbacks)
2. For properties east of the Intracoastal Waterway, amend the criteria for modification of required yards that pertain to adjusting the location of the principal building(s) on the site by requiring the following:
 - a. When abutting or separated from a single-family zoning district by a minor local road only, that portion of the building not meeting the required yards (1/2 the height of the building) shall be no greater than twice the maximum height of the single-family zoning district;
 - b. When abutting only multifamily and non-residential zoning districts or separated by an arterial roadway from a single family district while all other sides are multi-family and/or non-residential zoning districts, that portion of the building not meeting the required yards (1/2 the height of the building) shall be the average maximum height of the zoning districts of the surrounding properties.
3. For properties east of the Intracoastal Waterway, amend the criteria for modification of required yards to require that an adjustment of yards allowing a reduction of the overall open space on the development only be considered when it is demonstrated that the goals of the City with respect to providing (1) a variety of housing types, (2) mixed-

income housing, and (3) quality development that is consistent with good urban design & smart growth principles, are met, and a superior development plan will result from such a yard adjustment, as long as the portion of the building encroaching into the yard is no greater than 35ft in height. Staff is currently meeting with Economic Development Representatives to develop a process by which this can be administered;

4. Expand the criteria for modification of required yards pertaining to shadow restrictions to also allow no more than twenty five percent (25%) of the submerged land abutting the sandy beach to be shadowed between the hours of 9:00 a.m. and 5:00 p.m. on March 21 (vernal equinox) as measured from the intersection of property lines perpendicular to 100 ft beyond the high tide line;
5. Amend the criteria for modification of required yards pertaining to shadow restrictions so that in no case shall the shadow calculation be permitted to include properties that are not abutting the subject property;
6. Clarify which of the Community Compatibility Criteria that should apply to the Central Beach Area and non-residential districts east of the Intracoastal Waterway versus the multi-family districts of the Barrier Island.

We are currently seeking Planning and Zoning Board input and guidance on these issues. We will then incorporate the Board's comments into our analysis and present a draft ordinance to the Board, acting as the Local Planning Agency, in a meeting tentatively set for July 21, 2004.

8-T-04